

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
April 28, 2020
7:011 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Mark Winings, Joanne Boulton, Rich Lintz, Ira Berkowitz, Bridget McAndrew, and Susan Buse.

Mayor Harris
City Manager Gipson
City Attorney O'Keefe

Motion made by Alderman Lintz to approve the April 14, 2020 minutes. Alderman Boulton seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

PUBLIC HEARING & A RESOLUTION - CONDITIONAL USE PERMIT FOR 125 HUNTER AVENUE

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a request for Conditional Use Permit approval to allow an auto repair shop at 125 Hunter Avenue to be known as Caliber Collision Centers. the property, which has a zoning designation of S-1 Service District, contains a 13,195 square-foot commercial style building with 8 interior garage bays and a 56-space surface parking lot that is fenced on 3 sides. The property is adjacent to I-170 to the west; a 2-story office building to the north; and the Hunter Avenue right-of-way and landscaped open areas associated with a 4-story office building to the south and east. In 2015, the Board of Aldermen approved a Conditional Use Permit for Abra Autobody and Glass. Abra has since merged with Caliber Holdings Corporation and will now being doing business as Caliber Collisions Centers.

In response to the Board's questions, Susan Istenes, Director of Planning confirmed that the business will keep the same hours as the previous business.

Allison Mathern, representative of Caliber Collision Centers, joined the meeting to answer questions.

In response to Alderman Lintz' question regarding the screened dumpster area, Ms. Mathern confirmed that they have discussed the issue with the Center staff and also with Waste Management to ensure that the fences for the enclosure will remain closed at all times.

Mayor Harris closed the public hearing.

Motion made by Alderman Winings to approve Resolution No. 2020-03, granting a Conditional Use Permit to Caliber Collision Centers located at 125 Hunter Avenue. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

PUBLIC HEARING & A RESOLUTION - CONDITIONAL USE PERMIT FOR PERFORMANCE LAB, LLC – 8009, 8011 & 8013 MARYLAND AVENUE

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing and subsequent resolution to consider granting a conditional use permit to operate a fitness center. A conditional use permit is required in the C-2 Zoning District for fitness centers/health clubs.

On March 11, 2020, Mr. David Lazaroff, owner of Performance Lab, LLC, requested a conditional use permit to continue operation of the existing business located at 8009, 8011, and 8013 Maryland Avenue under a new name and ownership.

Mr. David Lazaroff, owner, joined the meeting to answer any questions.

In response to Alderman Buse's question regarding parking, Susan Istenes explained that due to the proposed use being the same as the existing use of the site, no additional parking is required.

Mayor Harris closed the public hearing.

Motion made by Alderman Winings to approve Resolution No. 2020-04, granting a Conditional Use Permit for Performance Labs LLC located at 8009, 8011, and 8013 Maryland Avenue. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

PUBLIC HEARING & RESOLUTION - A CONDITIONAL USE PERMIT FOR TONY'S RESTAURANT LOCATED AT 105 CARONDELET PLAZA

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing to consider an application for a Conditional Use Permit submitted by James Bommarito, restaurant owner, to allow the operation of a 7,890 square foot restaurant on the first and second floors of the subject mixed-use building addressed as 7620 Forsyth Boulevard, commonly known as Centene Plaza, Tower C, at a location designated as 105 Carondelet Plaza to be known as Tony's.

Tony Raya, HOK, Project Architect and Paul Bentel, HOK, joined the meeting and provided the Board with a *PowerPoint* presentation on the proposed project. Mr. Bentel pointed out to the Board the proposed operation of the valet service. He also noted that Tony's will operate the same (business, lunch, and dinner hours) as they had done at their downtown restaurant.

Mayor Harris closed the public hearing.

Motion made by Alderman Winings to approve Resolution No. 2020-05, granting a Conditional Use Permit for Tony's located at 105 Carondelet Plaza. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

PUBLIC HEARING & ORDINANCE - SUBDIVISION PLAT (LOT CONSOLIDATION) FOR 114, 124, AND 134 GAY AVENUE

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing and subsequent ordinance to consider approving a subdivision plat for the consolidation of four (4) lots to create two (2) lots. All lots are zoned R-4 Low Density Multiple Family Dwelling District.

On February 11, 2020, the City of Clayton received an application and plat from Mike Manlin of Manlin Development Group, on behalf of Bartlett Holdings Clayton, LLC, owner, requesting to consolidate four (4) existing lots addressed 114 Gay Avenue (Lot 8), 124 Gay Avenue (Lot 9 and Lot 10), and 134 Gay Avenue (Lot 11) in the Clayton Gardens No. 4 Subdivision. The proposed plat will consolidate Lot 8 (7,411 square feet), Lot 9 and Lot 10 (14,925 square feet) and Lot 11 (7,511 square feet) resulting in two new lots; one measuring 14,959 square feet (Lot A) and the other measuring 14,888 square feet (Lot B), totaling 29,847 square feet.

Ryan Meeks, THG Design Group, joined the meeting to answer questions.

Mayor Harris closed the public hearing.

Alderman Winings introduced Bill No. 6794, an ordinance to approve a subdivision plat for 114, 124, and 134 Gay Avenue to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6794, first reading, an Ordinance Providing for the Approval of a Plat to Consolidate Certain Property Located on Gay Avenue in the City of Clayton, Missouri by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6794 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6794, an ordinance to approve a subdivision plat for 114, 124, and 134 Gay Avenue to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6794, second reading, an Ordinance Providing for the Approval of a Plat to Consolidate Certain Property Located on Gay Avenue in the City of Clayton, Missouri by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6654 of the City of Clayton.

ORDINANCE - A CONDOMINIUM PLAT FOR PROPERTIES ADDRESSED 114, 116, 118, 120, AND 122 (BUILDING A) AND 126, 128, 130, 132, AND 134 (BUILDING B) GAY AVENUE

City Manager Gipson reported that this is a public hearing and subsequent ordinance to consider approving a subdivision plat for the consolidation of four (4) lots to create two (2) lots. All lots are zoned R-4 Low Density Multiple Family Dwelling District.

On February 11, 2020, the City of Clayton received an application and plat from Mike Manlin of Manlin Development Group, on behalf of Bartlett Holdings Clayton, LLC, owner, requesting to consolidate four (4) existing lots addressed 114 Gay Avenue (Lot 8), 124 Gay Avenue (Lot 9 and Lot 10), and 134 Gay Avenue (Lot 11) in the Clayton Gardens No. 4 Subdivision. The proposed plat will consolidate lot 8 (7,411 square feet), lot 9 and lot 10 (14,925 square feet) and lot 11 (7,511 square feet) resulting in two new lots; one measuring 14,959 square feet (lot a) and the other measuring 14,888 square feet (lot b), totaling 29,847 square feet.

Ryan Meeks addressed the Board to answer questions.

In response to Alderman McAndrew's question regarding the issue with the wall, Alderman Lintz confirmed that the issue has been resolved and that the developer and the neighbor have reached an agreement.

Alderman Winings introduced Bill No. 6795, an ordinance to approve a condominium plat for properties addressed 114, 116, 118, 120, and 122 (Building A) and 126, 128, 130, 132, and 134 (Building B) Gay Avenue to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6795, first reading, an Ordinance Providing for the Approval of a Plat to Consolidate Certain Property Located on Gay Avenue in the City of Clayton, Missouri by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6795 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

City Attorney O'Keefe noted that there was a typo in the title of the ordinance.

Alderman Winings introduced Bill No. 6795, an ordinance to approve a condominium plat for properties addressed 114, 116, 118, 120, and 122 (Building A) and 126, 128, 130, 132, and 134 (Building B) Gay Avenue to be read for the second time by title only. Alderman Boulton seconded.

Attorney O'Keefe reads Bill No. 6795, second reading, an Ordinance Providing for the Approval of a Plat to Consolidate Certain Property Located on Gay Avenue in the City of Clayton, Missouri by title

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6655 of the City of Clayton.

AN ORDINANCE APPROVING A CONTRACT WITH HABERBERGER INC. FOR THE 10 N. BEMISTON BOILER AND CHILLER REPLACEMENTS

City Manager Gipson reported that the Public Works Department is requesting approval of a construction contract for the 10 N. Bemiston boiler and chiller replacements with Haberberger Inc. The scope of the work includes replacing a boiler, chiller and associated appurtenances at the 10 N. Bemiston facility. The bids included alternates for replacing the boiler flue, a second chiller, chiller piping and a deduct to reuse existing conduit and wiring if needed.

The city received six (6) bids with Haberberger, Inc. submitting the lowest base bid of \$132,900.00.

Recommendation is to approve the ordinance authorizing a contract with Haberberger, Inc. in the amount of \$132,900.00 plus authorization to approve change orders in an amount not to exceed \$64,000 for a total of \$194,900.00.

Matt Malick, Director of Public Works, joined the meeting to answer questions. In response to Mayor Harris' question, Matt confirmed that the work would alleviate the HVAC issues that the Fire Department had been experiencing in previous years.

John Wulf, Assistant Director of Public Works, joined the meeting to answer questions.

In response to Alderman Lintz' question, Matt noted that there are few bidders that are qualified to do the work.

Alderman Winings introduced Bill No. 6796, an ordinance to approve a contract with Haberberger, Inc. for the boiler/chiller replacements to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6796, first reading, an Ordinance Approving a Contract with Haberberger, Inc. for the 10 N. Bemiston Boiler and Chiller Replacements by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill N. 6796 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6796, an ordinance to approve a contract with Haberberger, Inc. for the boiler/chiller replacements to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6796, second reading, an Ordinance Approving a Contract with Haberberger, Inc. for the 10 N. Bemiston Boiler and Chiller Replacements by title only.

Motion Passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6656 of the City of Clayton.

Alderman Winings recused himself from the meeting at 7:53 p.m.

AN ORDINANCE AMENDING ORDINANCE NO. 6648 RELATING TO PLATTING REQUIREMENTS FOR THE FORSYTH POINTE PLANNED UNIT DEVELOPMENT

City Manager Gipson reported that Ordinance No. 6648 adopted on March 24, 2020 required the submission of a lot consolidation plat prior to the issuance of a building permit for the project. It is staff’s opinion that the nature of the approved Forsyth Pointe plan and project satisfy the public policy interest which would be served by consolidating the subject property into a single lot and makes the requirement unnecessary. In addition, staff believes that this proposed change to Ordinance No. 6648 does not modify any of the project characteristic affecting the criteria for PUD rezoning and plan approval. Furthermore, staff suggest that the recommended change is not a substantive change as it does not affect any of the public discussion undertaken on March 24, 2020 or discussions prior.

Staff does recommend that prior to the issuance of any occupancy permit for the project that the owners file documentation to be approve by the Director of Planning and Development Services which give reasonable assurance that the project will be operated and maintained in a unified and coordinated manner in accordance with all applicable City requirements.

Scott Haley, U.S. Capital Development, Tim Tryniecki, Armstrong Teasdale, and David Lemkemeier, Lewis Rice, joined the meeting to answer questions.

Alderman Boulton introduced Bill No. 6797, an ordinance to amend Ordinance NO. 6648 related to the platting requirements for the Forsyth Pointe PUD to be read for the first time by title only. Alderman Lintz seconded.

City Attorney O’Keefe reads Bill No. 6797, first reading, an Ordinance Amending Ordinance No. 6648 Relating to Platting Requirements for the Forsyth Pointe Planned Unit Development by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Boulton that the Board give unanimous consent to consideration for adoption of Bill No. 6797 on the day of its introduction. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

Alderman Boulton introduced Bill No. 6797, an ordinance to amend Ordinance No. 6648 related to the platting requirements for the Forsyth Pointe PUD to be read for the second time by title only. Alderman Lintz seconded.

City Attorney O’Keefe reads Bill No. 6797, second reading, an Ordinance Amending Ordinance No. 6648 Relating to Platting Requirements for the Forsyth Pointe Planned Unit Development by title only.

Motion passed on a roll call vote: Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6657 of the City of Clayton.

Alderman Winings rejoined the meeting at 7:57 p.m.

RESOLUTION – APPROVING SUBMITTAL OF A HAZARDOUS MOVING VIOLATION ENFORCEMENT GRANT APPLICATION

City Manager Gipson reported that as part of the annual grant application process MODoT requires the City of Clayton Board approval and authorization. The Clayton Police Department intends to seek a MODoT grant to assist the department to address the issue of aggressive driving in a multifaceted approach.

Chief Smith joined the meeting providing an overview of the grant.

Motion made by Alderman Winings to approve Resolution No. 2020-06, authorizing submittal of a Hazardous Moving Violation Enforcement Grant application. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

RESOLUTION – APPROVING SUBMITTAL OF A DRIVING WHILE INTOXICATED ENFORCEMENT GRANT APPLICATION

Motion made by Alderman Winings to approve Resolution No. 2020-07, authorizing submittal of a Driving While Intoxicated Enforcement Grant application. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Lintz reported:

- Plan Commission/ARB met on April 20th; three house; two-teardowns; proposed plans for 8108 Kingsbury was tabled.

Mayor Harris reported:

- Community Equity Committee will meet April 30th via Zoom.

Motion made by Alderman Buse that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman McAndrew seconded the motion.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye.

There being no further regular business the meeting adjourned at 8:05 p.m.

Mayor

ATTEST:

City Clerk